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OFFICE OF PETITIONS

In re Application of :
DeBonte et al. :
Application No. 08/572,027 : ON PETITION
Filed: 14 December, 1995 :
Attorney Docket No. A21-535.1007 :

This is a decision on the paper styled as a request for reconsideration of petition under 37 CFR 1.47(a), 1.48, and 1.183 filed on 13 August, 2002, which is treated as a renewed petition under 37 CFR 1.47(a) and 1.48(a).

The petition under 37 CFR 1.48(a) is granted.

The petition under 37 CFR 1.47(a) is dismissed as moot.

The present application was filed on 14 December, 1995, without an executed oath or declaration. On 25 March, 1996, a declaration naming Lorin DeBonte, Zhegong Fan, and Willie H.T. Loh was filed.

The petition filed on 15 May, 2001, under 37 CFR 1.48(a) to amend the inventive entity by the addition of Gua-Hua Miao and the deletion of Loh as joint inventors and to waive under 37 CFR 1.183 the requirements of 1.48(c) and 1.47(a) in that Miao refused to sign the declaration in compliance with 37 CFR 1.47(a) and statement of lack of deceptive intent in compliance with 37 CFR 1.48(c) was dismissed on 26 September, 2001. The renewed petition filed on 18 March, 2002 (certificate of mailing date 21 December, 2001) was dismissed on 20 May, 2002.

As a result of papers filed on 19 November, 2001, and 3 June, 2002, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and, accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Guo-Hua Miao, Johnston, Iowa, and the deletion of Willie H.-T. Loh, Minneapolis, Minnesota.

As Miao signed a declaration submitted in compliance with 37 CFR 1.63 filed on 13 August, 2002, no petition under 37 CFR 1.47 is required. The petition under 37 CFR 1.47(a) is therefore dismissed as moot.

It is noted that the declarations signed by DeBonte and Miao state that the application was amended on 27 March, 1996; 12 September, 1997; 21 April, 1998; 25 September, 1998; 3 November, 1998, and 9 May, 2001, while the declaration signed by joint inventor Zhegong Fan states that the application was amended only on 27 March, 1996; 12 September, 1997; 21 April, 1998; 25 September, 1998, and 3 November, 1998. Additionally, the declarations signed by DeBonte and Miao reflect a different residence and mailing address for Fan than the declaration which Fan has signed. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67, listing all of the amendments and signed by joint inventor Fan must be submitted when required by the examiner.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected. Thereafter, the application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at 703.308.6918.

for D Wood

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